

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SIMON E. KIRK,

Plaintiff,
vs. 08-CV-6016

NEW YORK STATE DEPARTMENT OF EDUCATION;
RICHARD P. MILLS, Commissioner of Education;
NEW YORK STATE BOARD OF REGENTS; and
ROBERT M. BENNETT, Chancellor of the
New York State Board of Regents,

Hon. Charles J. Siragusa
United States District Judge

Defendants

**MOTION BY PLAINTIFF
FOR AN ALLOWANCE OF ATTORNEYS' FEES**

Plaintiff Simon E. Kirk, by his attorneys, HARTER, SECREST & EMERY LLP, hereby moves the Court, pursuant to Rule 54(d)(2) of the Federal Rules of Civil Procedure, for an order that the plaintiff, as the prevailing party in this action, be allowed his reasonable attorneys' fees of no less than \$70,627.50, together with disbursements and expenses in the amount of \$674.97, for a total allowance of no less than \$71,302.47, together with such other and further relief as to the Court may seem just and proper.

Submitted in support of the motion are the following papers:

- (a) Declaration of Margaret A. Catillaz, Esq., dated July 21, 2008, with exhibit;
- (b) Declaration of Angelo G. Faraci, Esq., dated July 21, 2008; and
- (c) Declaration of Daryl Buffenstein, Esq., dated July 21, 2008.

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July 21, 2008

s/Margaret A. Catillaz

Margaret A. Catillaz, Esq.
HARTER SECREST & EMERY LLP
Attorneys for Simon E. Kirk
1600 Bausch & Lomb Place
Rochester, New York 14604-2711
585-232-6500
mcatillaz@hselaw.com